IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

WEDNESDAY, THE 25TH JULY 2007 / 3RD SRAVANA 1929

Bail Appl..No. 4493 of 2007()

AGAINST THE JUDGEMENT/ORDER IN BA.3955/2007 MP.1914/2007 of J.M.F.C.-I,KOCHI

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(CRIME NO.261/07 OF FORT KOCHI POLICE STATION)

: PETITIONER/1ST ACCUSED

M.M.AYOOB, S/O. M.M.MOYDUNNI,
RESIDING AT THURUTHI COLONY VEEDU,
NO.CC II/1015, NEAR MINI MARKET, THURUTHY KARA,
FORT KOCHI VILLAGE.

BY ADV. SRI.S.NIRMAL KUMAR

RESPONDENTS: COMPLAINANT

STATE, REPRESENTED BY C.I. OF POLICE,
FORT KOCHI POLICE STATION, (CRIME NO.261/07),
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR ADV.SRI.JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 25/07/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J

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B.A.No.4493 of 2007

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Dated this the 25th day of July, 2007

ORDER

Second application for regular bail. The petitioner faces allegations, inter alia, under Sec.302 IPC. The alleged incident took place on 6.5.07. The petitioner was arrested on 7.5.07. He continues in custody even now. The co-accused, the 2nd accused, his employer at whose instance the incident allegedly took place, has already been granted bail by the learned Sessions Judge, as per order dated 28.5.07. I have adverted to facts in detail in the order dated 2.7.07. This order will have to be read in continuation of the said order. That petition was dismissed with the observation that the petitioner can move this Court for bail again, on a later date not prior to 16.7.2007. This petition has been filed on 17.7.07.

2. The learned counsel for the petitioner submits that the petitioner may, in these circumstances, be released on bail now. The learned Public Prosecutor does not oppose the application, but points out that an application for police protection was filed by the injured victims and this Court allowed that prayer. The victims and the accused persons belong to two different communities and there is strain and tension in the relationship between such communities in the

locality. Appropriate safe-guards may be provided, submits the learned Public Prosecutor. The petitioner is involved in two theft cases also, submits the learned Public Prosecutor.

3. Having considered all the relevant inputs, I am satisfied that the petitioner can be granted bail after the lapse of period of three months from the date of his arrest. Appropriate safe-guards can also be insisted.

4. In the result, this application is allowed. The petitioner shall be released on bail on the following terms and conditions.

i) The petitioner shall not be released on the strength of this order prior to 07.08.2007.

ii) The petitioner shall execute a bond for Rs.1,00,000/- (Rupees One lakh only) with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate;

iii) The petitioner shall not enter the Sessions Division of Ernakulam, until further orders except for the purpose of complying with the condition No.(iv) below.

iv) The petitioner shall make himself available for interrogation before the Investigating Officer between 10 a.m and 12 noon on all Mondays until further orders;

v) The petitioner shall, within 7 days of the date of his release, furnish to the Investigating Officer the address of his place of residence, outside the Sessions Division of Ernakulam and shall keep the Investigating Officer informed all further changes, if any, of such address.

(R.BASANT, JUDGE)

sj

/TRUE COPY/

P.A.TO JUDGE